

**CONGRATULATORY RESOLUTION**

**S.R. 24** - By Krier: Extending congratulations to Harrell Spears and all those associated with Stowers Furniture Company on the splendid occasion of its 100th anniversary.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 1:29 p.m. adjourned until 1:00 p.m. tomorrow.

**THIRD DAY**

(Tuesday, May 8, 1990)

The Senate met at 1:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parker, Ratliff, Sims, Tejeda, Truan, Uribe, Zaffirini.

Absent-excused: Bivins, Ellis, Glasgow, Lyon, Parmer, Santiesteban, Whitmire.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father, as the deliberation continues on the major issue of this special session, we pray for Your wise counsel and Your guidance as the members draw on their experience and knowledge in finalizing a compromise. For the time, the effort and the devotion that is invested in the bill now pending, we offer our prayer of thanks. May the members receive Your blessing as they struggle to reshape the educational system of Texas.

In our Lord's name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senators Bivins, Glasgow, Lyon, Parmer, Santiesteban and Whitmire were granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Ellis was granted leave of absence for today on account of illness on motion of Senator Brooks.

**REPORT OF STANDING COMMITTEE**

Senator Caperton submitted the following report for the Committee on Finance:

**S.B. 10**  
**S.B. 35**  
**C.S.S.B. 5**

C.S.S.B. 40

C.S.S.B. 42

C.S.S.B. 41

**MESSAGE FROM THE HOUSE**House Chamber  
May 8, 1990HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 2, Requesting Congress to retain the production incentive program of the National Wool Act.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.J.R. 9 by Bivins Education  
Proposing a constitutional amendment relating to distribution of the available school fund.S.B. 45 by Haley Finance  
Relating to the funding of aid to school districts for the acquisition, construction, renovation, and improvement of instructional facilities and capital assets; making an appropriation.S.B. 46 by Johnson Finance  
Relating to the review and refinancing of state bond indebtedness and to the dedication of savings to the foundation school program; making an appropriation.S.B. 47 by Bivins Education  
Relating to the distribution of the available school fund.S.B. 48 by Harris Economic Development  
Relating to the operation of pawnshops.S.B. 49 by Green Jurisprudence  
Relating to jury lists for justice courts.S.B. 50 by Green Jurisprudence  
Relating to jury service; providing a penalty.S.B. 51 by Green Economic Development  
Relating to license requirements for certain driver-training instructors.S.B. 52 by Leedom Finance  
Relating to increases in fees charged or authorized to be collected by the Texas Department of Public Safety and the State Department of Highways and Public Transportation; amending Sections 14, 14A(c), 14B(c), 19, 20(c), 21(d), 21(e), and 21(f), Article 6687b, Vernon's Texas Civil Statutes; amending Section D, Article 6701-1/2, Revised Statutes; amending Section 3(b), Article 6701a, Vernon's Texas Civil Statutes; and amending Section D, Article 6701a-2, Revised Statutes.

**S.B. 53** by Leedom  
Relating to alcoholic beverage permit and license fees.

Finance

**S.B. 54** by Leedom  
Relating to certain fees paid to the secretary of state; amending Section A, Article 10.01, Texas Business Corporation Act.

Finance

#### HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read the first time and referred to the Committee indicated:

**H.C.R. 2**, To Committee on Administration.

#### SENATE CONCURRENT RESOLUTION 4

Senator Barrientos offered the following resolution:

WHEREAS, In whatever form or fashion, racism is a virulent evil which diminishes us all as individuals; and

WHEREAS, Respect for others and tolerance for our differences are the very hallmarks of a civilized society; and

WHEREAS, Racism is impermissible in today's society and should be exorcised from our midst; and

WHEREAS, Many disturbing scenes and events have occurred where racism has reared its ugly head; and

WHEREAS, Not without cause and considering recent events at The University of Texas at Austin, people throughout the state are appalled by the recent racist acts that have arisen on university campuses; and

WHEREAS, Freedom of speech has been abused by several individuals who cannot and must not attempt to wash their hands of the charge of racism so easily, nor can they absolve themselves from responsibility for their despicable actions; and

WHEREAS, Racism can and must be combatted through education; now, therefore, be it

RESOLVED, That the 71st Legislature of the State of Texas, 5th Called Session, hereby encourage all those attending the state's educational institutions to consider the devastating implications of racism in the university system and search for solutions to create a healthier and friendlier environment in which all students can live, learn, and work together as equal citizens of Texas; and, be it further

RESOLVED, That the legislature further unequivocally denounce racism in all its manifestations; and, be it further

RESOLVED, That this recent racist action not be forgotten by any organization or individual at our educational institutions; and, be it further

RESOLVED, That colleges and universities throughout Texas be urged to diversify their curricula to include a multicultural awareness requirement; and, be it further

RESOLVED, That faculty, students, and administrators at educational institutions be encouraged to establish a multicultural component within the university.

ARMBRISTER	HENDERSON
BARRIENTOS	JOHNSON
BROOKS	PARKER
CARRIKER	PARMER
DICKSON	SANTIESTEBAN
EDWARDS	TEJEDA
ELLIS	URIBE

GREEN  
HALEY

WHITMIRE  
ZAFFIRINI

The resolution was read.

Senator Haley offered the following amendment to the resolution:

Amend S.C.R. 4 by striking the sixth paragraph and substituting the following:

WHEREAS, a free society depends on freedom of speech, but a free society cannot and does not approve of the content of speech that spreads racism, and individuals who exercise their right in that manner must accept responsibility for their actions: and

The amendment was read and was adopted viva voce vote.

The resolution as amended was adopted viva voce vote.

#### SENATE BILL 10 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 10**, Relating to allocation of funds by the Texas Water Development Board for the Sulphur River Basin Authority.

The bill was read second time and was passed to engrossment viva voce vote.

#### SENATE BILL 10 ON THIRD READING

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 10** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 0.

Absent-excused: Bivins, Ellis, Glasgow, Lyon, Parmer, Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 0. (Same as previous roll call)

#### SENATE BILL 35 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 35**, Relating to the Pecos River compact program and account; making an appropriation.

The bill was read second time and was passed to engrossment viva voce vote.

#### SENATE BILL 35 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 35** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 0.

Absent-excused: Bivins, Ellis, Glasgow, Lyon, Parmer, Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 5 ON SECOND READING**

On motion of Senator Dickson and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 5**, Relating to emergency appropriations to the institutional division of the Texas Department of Criminal Justice for projects related to corrections institutions and the Texas Department of Mental Health and Mental Retardation for projects related to mental health and mental retardation facilities and the use of previously appropriated funds for those projects.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 5 ON THIRD READING**

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 5** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 0.

Absent-excused: Bivins, Ellis, Glasgow, Lyon, Parmer, Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 40 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 40**, Relating to appropriation of the economic stabilization fund for foundation school program purposes.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 40 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 40** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 0.

Absent-excused: Bivins, Ellis, Glasgow, Lyon, Parmer, Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 41 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 41**, Relating to appropriations for the biennium ending August 31, 1991.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 41 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 41 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 0.

Absent-excused: Bivins, Ellis, Glasgow, Lyon, Parmer, Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 42 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 42, Relating to debt service on certain state bonds.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 42 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 42 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 0.

Absent-excused: Bivins, Ellis, Glasgow, Lyon, Parmer, Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 0. (Same as previous roll call)

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Parker and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Education might consider today at 3:00 p.m. the following bills and resolution:

S.B. 8  
S.B. 47  
S.J.R. 9

**SENATE BILL 25 REREFERRED**

On motion of Senator Harris and by unanimous consent, S.B. 25 was withdrawn from the Committee on Economic Development and rereferred to the Committee on Administration.

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Brooks and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Health and Human Services might consider S.B. 3 at 2:00 p.m. today.

**CONGRATULATORY RESOLUTIONS**

**S.R. 25** - By Montford: Commending Dr. Sam Nader for his many years of devoted service to the people of Lubbock and the State.

**S.R. 26** - By Parker: Extending congratulations to Doug Ethridge on his induction into the Texas High School Coaches Association's prestigious Hall of Honor.

**S.R. 27** - By Parker: Commending Lane Seaman for her many generous and distinguished services to her fellow Texans and extending congratulations to her for receiving the recognition she so richly deserves.

**S.R. 28** - By Parker: Commending and applauding the Vidor High School Brigades on their splendid showing at the Mardi Gras Drill Team Contest and for capturing the Sweepstakes trophy.

**S.R. 29** - By Harris: Extending congratulations to Mrs. Dolly Crossley for being chosen 1990 Teacher of the Year by the College of Education at the University of North Texas.

**S.R. 30** - By Lyon: Applauding and commending Gladys Bradshaw for her commitment to the youth of our State and wishing her a rewarding retirement.

**RECESS**

On motion of Senator Brooks, the Senate at 1:52 p.m. took recess until 2:00 p.m. tomorrow.

**THIRD DAY**  
(Continued)  
(Wednesday, May 9, 1990)

**AFTER RECESS**

The Senate met at 2:00 p.m. and was called to order by the President.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 9, 1990

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 1**, Relating to public education. (As substituted and amended)

**H.C.R. 11**, Honoring Representative Al Price.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives